THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11628 of 1998

Dated:11.04.2007

Between
M.Vijay Kumar

.....Petitioner

and

1.The Secretary, Ministry of Defence
Govt., of India, Central Secretariat,
New Delhi and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11628 of 1998

ORDER:

This writ petition is filed against an order passed by the 1st respondent vide letter dated 17.9.1997 whereunder the case of the petitioner for compassionate appointment due to death of his father was considered and rejected.

It is the case of the petitioner that the father of the petitioner was an employee of the 2nd respondent-Organization for more than 10 years and thereafter he died in harness on 14.1.1997. Therefore, he sought employment in the 2nd respondent-Organization on compassionate grounds. But the same was rejected by the respondent-Organization which is arbitrary and illegal.

A detailed counter-affidavit has been filed by the respondents stating that the scheme evolved

for the purpose of compassionate appointment in their organization is not applicable to the case of the father of the petitioner. The father of the petitioner was not a regular employee. He worked only on contract basis which was extended from time to time. Therefore, the petitioner is not eligible to be registered as a dependant of the deceased employee. Even the dependants of deceased/medically terminated are not being given employment presently due to non-availability of vacancies and as of date 91 such cases are pending for employment. Since the scheme, which is relied upon by the petitioner, is not applicable to the case of the petitioner, the question of considering compassionate appointment of the petitioner does not arise.

Therefore, the impugned order was passed explaining the situation in detail, stating that the father of the petitioner cannot be considered as ex-employee of the organization and his claim that he was a Security Guard is not correct. The father of the petitioner was appointed on contract basis and the same is evident from the recitals of the

contract, and as such the petitioner is not entitled to seek employment under compassionate grounds.

In view of the counter-affidavit, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, writ petition is dismissed. No costs.

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11-04-2007

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